

CONCLUSION

The standard in the Budget Act for granting an exception from Congress' mandate for regulatory parity in CMRS regulation and preemption of intrastate rate regulation of CMRS is clear. A state must demonstrate that: (1) competitive conditions are inadequate to protect consumers; *and that* (2) continued rate regulation will provide the necessary protection. The evidence presented to the Commission, however, demonstrates that competitive market conditions in Connecticut, and not regulation, have produced just and reasonable wholesale cellular rates that have been marked by wholesale rate reductions and continuous network investment and have resulted in exploding subscriber growth.

Indeed, even after extensive hearings, the Department could not reach a contrary conclusion, nor did it determine that market conditions are inadequate in Connecticut to protect consumers against unjust or unreasonable rates or that the claims of anti-competitive conduct and discrimination alleged by a few cellular resellers were valid. The Department merely determined that further investigation of these issues was warranted.

The Commission, on the other hand, is required by Congress to weigh the evidence presented and, in order to sustain the Petition, it must determine that specific evidence exists to support the unsupported conclusions asserted by several commenters -- but not reached by the Department. Based upon the evidence presented by Springwichee, the other cellular carriers, and several other commenters, the Commission must instead conclude that the evidence in fact

supports just the opposite -- that Connecticut is a vigorously competitive market in which competition -- and not regulation -- is providing and will continue to provide consumers with high quality, declining cost mobile telephone service. For these reasons, the Commission must deny the Petition.

Respectfully submitted,

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PARTNERSHIP

A handwritten signature in dark ink, appearing to read "Jean L. Kiddoo", is written over a horizontal line.

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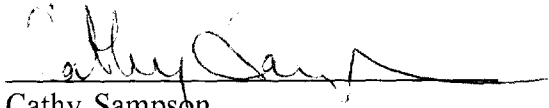
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